



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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HARBINGER CAPITAL PARTNERS MASTER
FUND I, LTD., et al.,

Plaintiffs,

07 CIVIL 8139 (DC)

-against-

JUDGMENT

WACHOVIA CAPITAL MARKETS, LLC D/B/A
WACHOVIA SECURITIES, et al.,
Defendants.

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Wachovia and BDO having moved to dismiss the complaint, and the matter having come before the Honorable Denny Chin, United States District Judge, and the Court, on August 26, 2008, having rendered its Memorandum Decision granting defendants' motions and dismissing the amended complaint without prejudice to refile when plaintiffs' damages become "clear and definite", it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision dated August 26, 2008, defendants' motions are granted and the amended complaint is dismissed without prejudice to refile when plaintiffs' damages become "clear and definite".

Dated: New York, New York
August 28, 2008

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**